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No. 79.

A LETTER TO HON. E. D. MORGAN,
SENATOR OF THE UNITED STATES,
ON THE
AMENDMENT OF THE CONSTITUTION ABOLISHING SLAVERY.

RESOLUTIONS,
PASSED BY THE NEW YORK UNION LEAGUE CLUB,
CONCERNING
CONDITIONS OF PEACE WITH THE INSURGENTS.

BY FRANCIS LIEBER.

FRANCIS LIEBER,
President.

J. A. STEVENS,
Secretary.

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NEW YORK.

1865.

A LETTER TO SENATOR E. D. MORGAN, ON THE AMENDMENT OF THE CONSTITUTION EXTINGUISHING SLAVERY.

SIR : As the election on the eighth of November last has added one of the highest national acts to the history of our kind, so the amendment of the Constitution, which yesterday passed the House of Representatives, will be the greatest effect of the present revolt, if three fourths of the State Legislatures will give their assent, as we all hope they will do.

The same year, 1788, saw the framing of our Constitution and the first cultivation of the cotton plant in Georgia ; and in course of time this plant caused renewed vitality and expansion to Slavery, festering in our great polity, until the gangrene broke out in the deep woe of a wide and bitter civil war. The year 1865 will cure our system of this poisonous malady. Seventy-seven years is a long period ; the reckless Rebellion has brought grief to all, and anguish to many hearts ; but if the effect of this fearful period be the throwing off of the malignant virus, the nation will stand purified, and the dire inconsistency which has existed so long between our Bill of Rights of the Fourth of July, and our fostering protection of extending bondage, will at last pass away. The sacrifices which we have made will not have been too great.

The amendment which is now offered to the American people runs thus :

"NEITHER SLAVERY NOR INVOLUNTARY SERVITUDE, EXCEPT AS A PUNISHMENT FOR CRIME, WHEREOF THE PARTY SHALL HAVE BEEN DULY CONVICTED, SHALL EXIST WITHIN THE UNITED STATES OR ANY PLACE SUBJECT TO THEIR JURISDICTION."

These are simple and straightforward words, allowing of no equivocation, yet, considered in connection with certain passages of the Constitution, they require some remarks, which I address to you, Sir, as one of the United States Senators from New York, and as my neighbor in this city.

The amendment extinguishes Slavery in the whole dominion of the United States. The Constitution as it now stands (Article I, section 2, paragraph 3), however, directs that Representatives "shall be apportioned among the several States, which may be included within the Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three fifths of all other persons."

If, then, "all other persons," that is slaves, are declared free, and the foregoing provision of the Constitution is not amended, we simply add two fifths to the basis of apportionment of Representatives in the Southern States—in other words, the number of Representatives in Congress from the States in which Slavery has existed will be increased by the present amendment. As,

however, these States, and especially those in which the colored citizens exceed in number the whites, will not give the common suffrage to the citizens of African extraction (as indeed many of the Northern States, for instance, Pennsylvania, do not give it, and as other States give the right of voting to colored people, on the condition of possessing freeholds only), the result of the amendment as now proposed, without a supplementary amendment, would be an increased number of Southern Representatives in Congress of the same number of white citizens. In this case the Rebellion, though ultimately subdued at the cost of torrents of our blood and streams of our wealth, would be rewarded with an enlarged representation. No loyal citizen can wish for such a consummation. How is this difficulty to be avoided?

Let us first remember the following three points :

1. In the practice of every State of the Union those citizens vote for electors of the President of the United States who have the right to vote for Representatives in Congress. Immediately after the adoption of the Constitution of the United States the Legislatures of several States elected the electors ; but a more national spirit soon prevailed and in all the different States of the Union the people elected the electors except in South Carolina. There the Legislature retained the election of electors down to the breaking out of the Rebellion, on the avowed ground that thus the State obtained a greater influence, this election of electors in South Carolina always taking place after the election by the people had been consummated in all the other States.

2. In every State those citizens who have a right to vote for the most numerous branch of the State Legislature have also the right to vote for Members of Congress.

3. In every State of the Union it is the State itself which determines by its own Constitution who shall have the right to vote for members of the State Legislature.

These considerations, then, would lead to the suggestion that the apportionment of members of Congress ought to be made according to the numbers of citizens who in each State have the right to vote for the State Legislature or for its most numerous branch.

This suggestion may be expressed in an amendment, additional to the one just passed, in such words as these :

Representatives shall be apportioned among the several States which may be included within this Union, according to the respective number of male citizens of age having the qualifications requisite for electing members of the most numerous branch of the respective State Legislatures. The enumeration of said citizens shall be made by each census of the United States.

You will observe that the words used in this proposition of an amendment have been taken, as far as it was feasible, from the Constitution itself, Article 1, section 2, paragraphs 1 and 3.

Believing, as I do, that this subject deserves the attention of the American people, I have not hesitated to make use of your

permission to address to you this public letter, and have the honor to be, sir, your very obedient servant,

FRANCIS LIEBER.

HON. E. D. MORGAN, *Senator of the United States, Washington.*

NEW YORK, February 1, 1865.

At the monthly meeting of the New York Union League Club, on February 9, 1865, the following resolutions were offered by FRANCIS LIEBER, and unanimously adopted :

Whereas, The American people ardently desire the re-establishment of peace in this country ; and whereas, the conclusion of peace with the insurgents now in arms against the country is frequently called for ; and whereas, it is fit for this large association of loyal citizens solemnly to express their opinion on a subject important to all, and pregnant with consequences both grave and lasting ; therefore,

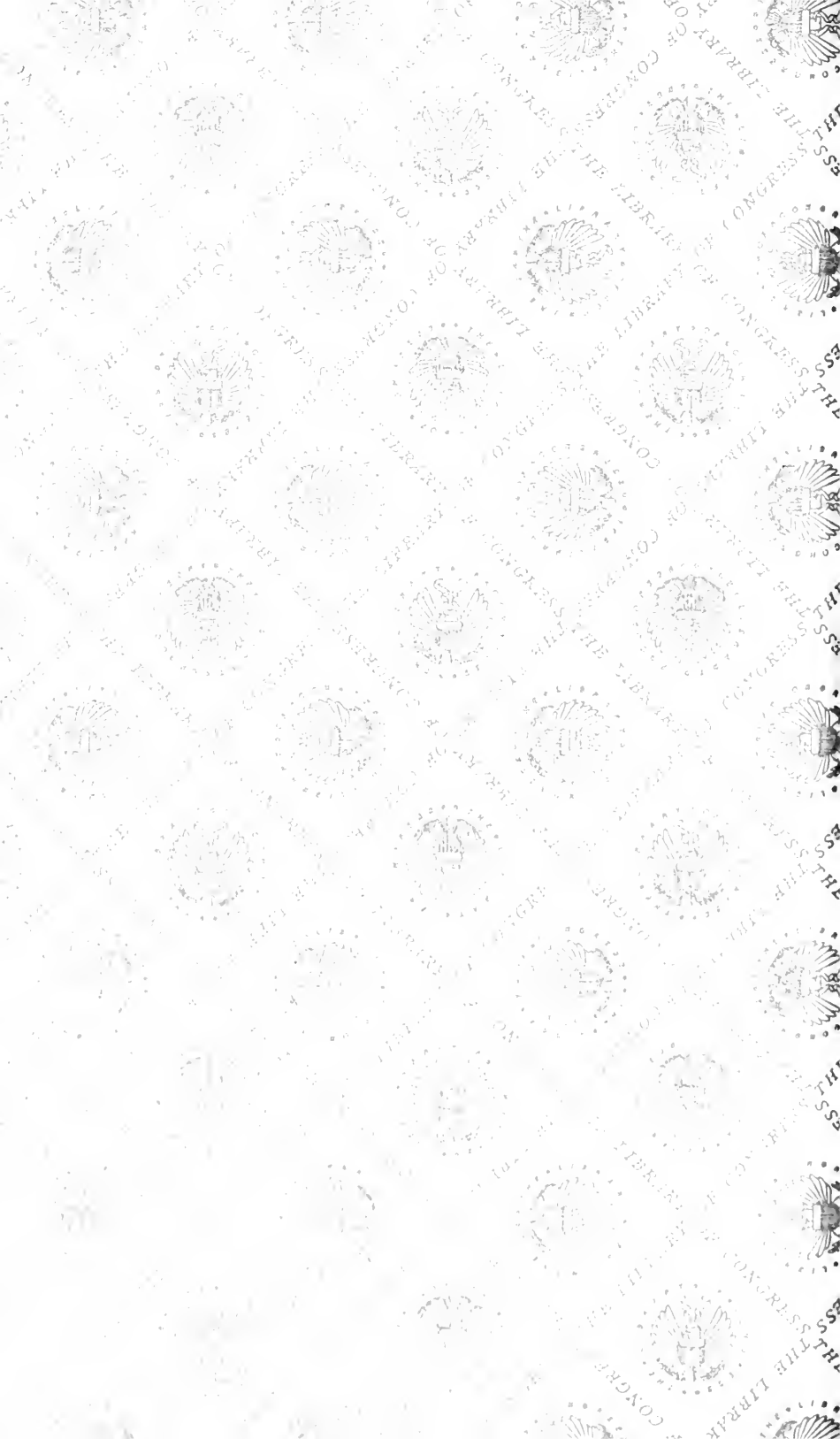
Resolved, That the American people, by all their sacrifices of blood and wealth, are, indeed, seeking the re-establishment of peace in this land, disturbed as it continues to be by its rebellious citizens ; but we discountenance every idea of a conclusion of peace with traitors as a contracting party, which would amount to an acknowledgment of them as a separate power capable of making treaties.

Resolved, That it is a grave error to maintain that we have acknowledged our enemy as a belligerent in the sense of the law of nations, and that this acknowledgment gives him the standing of a public enemy, capable of contracting treaties. On the contrary, the United States, for the sake of humanity only, have applied the rules of regular warfare to the present rebellion—a generous conduct which the enemy has requited with barbarous cruelty towards our captured sons and brothers, and with a callous disregard of many of the rules of humanity, faith, and honor, which civilized people observe in modern wars.

Resolved, That no re-establishment of peace can take place, and that no conference with any insurgents whatever ought to be entered into, except on the following basis and premises, distinctly and plainly laid down and defined, namely :

1. No armistice on any account ;
2. No foreign mediation ;
3. No slavery ;
4. No assumption of the Southern debt ;
5. No state rights inconsistent with the supreme and paramount authority of the Union, and, above all, no right of secession ;
6. No diminution of our country by one inch of land or one drop of water.

Resolved, That the President and Secretary communicate these resolutions to the kindred associations of the land, inviting them to express their opinion on the subject of the same.





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